

In re Patent Application of:
KUBERT ET AL.
Serial No. **10/809,533**
Filing Date: **March 25, 2004**

REMARKS

Claims 49-68 remain in this application. Claims 1-48 and 69-80 have been cancelled. Claim 49 has been amended.

Applicants thank the Examiner for the detailed study of the application and prior art and submits with this Amendment a Terminal Disclaimer to overcome the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,729,656.

Applicants note the rejection of claims over Scupham (WO 97/43126) in view of U.S. Patent No. 5,803,504 to Deshiens et al. (hereinafter "Deshiens"), or Scupham in view of Deshiens, and further in view of U.S. Patent No. 5,989,639 to Person (claims 50 and 60), or Scupham in view of Deshiens, and further in view of U.S. Patent No. 6,152,029 to Templeton (claims 49 and 59).

Applicants admit that Scupham discloses a system that prints a scratch-off coating on a card, such as a debit card, over printed matter, such as a pin, followed by radiation curing. Scupham, however, is specifically directed to known prior art techniques that use offset-lithographic printing and not flexographic printing. Indeed, Scupham not only does not suggest flexographic printing, but Scupham teaches away from the use of flexographic printing and states that the only other type of printing that could be used in scratch-off card processing technology is a rotary-screen printing followed, of course, by the UV drying/curing unit 29 as set forth on page 7.

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Applicants have reviewed Scupham in detail and note that there are key distinctions between Scupham and the invention as now set forth in the claims with this Amendment.

Applicants had for months been investigating an improvement over the type of debit card using a scratch-off label strip described and claimed in commonly assigned U.S. Patent No. 6,199,757, and listed in the Background section of the present application. Although high speed card processing could sometimes be obtained with the system described in that patent (about 20,000 to about 30,000 cards per hour), one drawback to that system was the reel holding the scratch-off labels. It could only hold about 15,000 labels and down-time occurred when a reel had to be changed. Another drawback was the large amount of web scrap produced during this type of card production. The scrap had to be discarded, sometimes adding to production loss and increasing labor and overall card costs.

Applicants worked diligently to invent a new method, system and debit card that was advantageous over the debit card and method disclosed and claimed in the '757 patent.

Applicants determined that the PIN could be printed on a surface of a planar card, such as a debit card or other credit card, and an opaque scratch-off coating in one non-limiting example could be printed onto the surface having the PIN such that the PIN is covered by the printed scratch-off coating. In a next step, radiation curing occurred. Applicants had tried many different types of printing processes and found that flexographic printing was advantageous over other types of printing, including lithographic printing.

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Applicants specifically note that the claims now recite a process and system for an enhanced card processing by using flexographic printing. This type of printing had been found advantageous over prior art processes, such as the lithographic printing set forth in Scupham. It is well known that lithography is a planographic process that uses water-receptive and ink-repellant principles and transfers ink and water to a plate and proper ink-water balance must be maintained. Although lithographic printing uses rotary presses, either direct or indirect, it is a much different process as compared to a flexographic process that uses rubber or plastic relief printing plates and inks that can be thin, fast-evaporating solvent types, or ultraviolet curing types. The use of flexographic printing had been found advantageous in the processing of cards in which a scratch-off coating must be applied and then infrared cured. A release coating could also be applied by the flexographic printing process.

Applicants specifically note that Scupham is specifically directed to using lithographic printing processes. The claimed invention is opposite from a lithographic printing process. Indeed, the only other type of printing that Scupham suggests is a rotary-screen printing, which Scupham argues is not as advantageous as lithographic printing (page 7, second full paragraph). Even rotary-screen printing is far different from a flexographic printing process. Screen printing is a porous printing process using stencil images or other types of images. Scupham teaches a printing process opposite from the claimed invention and there is no suggestion in Scupham to use a flexographic process.

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Indeed, Scupham only suggests lithographic printing, and suggests that other processes are unacceptable.

As to Deshiens, it discloses a very complicated flexographic press with up to 12 stations that applies varnish 43, 45, and a complex scratch-off layer 46 and an overprint region. The scratch-off layer 46 includes black elastomer 47, medium gray elastomer 49, and four layers of white elastomer 51, 53, 55, and 57. The overprint region 58 is applied over the multilayer scratch-off layer. Indeed, the complicated nature of the overprint, varnish layers and complicated scratch-off coating requires the 12-station flexographic printing press. Deshiens is opposite from the primary reference to Scupham, which teaches that lithographic printing must be used to apply a scratch-off coating, and in some instances, the less preferred rotary-screen printing used. Flexographic printing is not even considered in Scupham and actually teaches against the use of flexographic printing for the type of scratch-off covering that would be radiation cured. The combination of Scupham and Deshiens would be applying a scratch-off coating using offset-lithographic printing, while other coatings, for example, a release layer, were applied by flexographic printing. The claimed invention is different and not suggested by this combination.

As to Person, Applicants agree that it discloses an anilox coder with a brush, but Person is directed to a coater that solves a problem of air bubbles becoming entrapped within cells of an engraved applicator roller. Person uses an elongated brush mounted within a reservoir cavity of a doctor blade head. Resilient brushes wipe against an engraved surface of the applicator roller. The brushes are in an

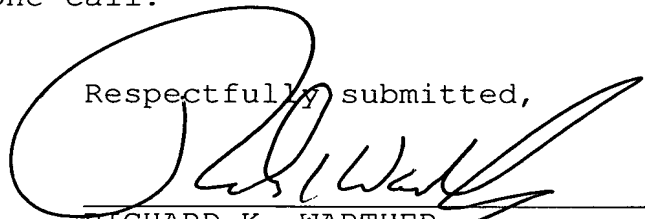
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elongated body of open cell foam. The bristles break up the entrapped air bubbles. Person in combination with the primary reference Scupham and Deshiens at most would suggest some roller mechanism for making a coating with some form of offset-lithographic printing (Scupham) for a scratch-off layer followed by radiation curing. Indeed, Scupham teaches away from the use of any flexographic printing and would not be properly combinable with Person.

Templeton teaches the use of an ink jet printer for a paper card with printed graphics and magnetically encoded stripe. It only suggests a standard ink jet printing process for making fine text and printed graphics. Again, Templeton would suggest with Scupham the use of an offset-lithographic printing system that had some ink jet printing for applying graphics, and not the flexographic system as claimed.

Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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